

Honorable Richard A. Jones

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

BNSF RAILWAY COMPANY, a Delaware
Corporation,

Plaintiff,

v.

STEVEN MCARTHUR, THEODORE
MAYER, JAY TURNQUIST, TONIA
RUPRECHT, DAVID BECHNER, and
LINDSAY DUNN,

Defendants.

No. 2:15-cv-00992 RAJ

DECLARATION OF LESLIE HAGIN IN
SUPPORT OF DEFENDANT RUPRECHT'S
MOTION FOR PROTECTIVE ORDER
STAYING DISCOVERY PENDING THE
COURT'S RULING ON DISPOSITIVE
MOTION TO DISMISS FOR LACK OF
SUBJECT MATTER JURISDICTION
AND/OR FAILURE TO STATE A CLAIM
ON WHICH RELIEF CAN BE GRANTED –
RAILWAY LABOR ACT PREEMPTION


I, Leslie J. Hagin, declare as follows:

I am the lead counsel for Defendant Tonia Ruprecht. I am over the age of 18, and am
competent to testify.

1. Attached hereto as Exhibit A is a true and correct copy of Plaintiff BNSF Railway
First Set of Interrogatories to Defendant Tonia Ruprecht which were received in my office on
May 11, 2016.

2. Attached hereto as Exhibit B is a true and correct copy of Plaintiff BNSF Railway
First Set of Requests For Production to Defendant Tonia Ruprecht which were received in my
office on May 11, 2016.

I declare under penalty of perjury of the laws of the United States of America and the State of Washington that the foregoing is true and correct.


Leslie J. Hagin

CERTIFICATE OF SERVICE

I hereby certify that on the 12th day of May, 2016, I filed the foregoing with the Clerk of Court using the CM/ECF System which will send notification of such filing to the following:

Attorneys for Plaintiff:

Michael E. Chait
Bradley P. Scarp
Montgomery Scarp, PLLC
1218 Third Ave., Ste. 2500
Seattle, WA 98101
Email: mike@montgomeryscarp.com; brad@montgomeryscarp.com

Attorneys for Defendants Beckner, Dunn, and Mayer

Michael Schwartz
Law Office of Michael Schwartz, P.S.
810 Third Ave., Ste. 500
Seattle, WA 98104-1619
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Ronald J. Meltzer
Sinsheimer & Meltzer
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Seattle, WA 98104-7073
Email: rdd@sinsheimer-meltzer.com

Attorneys for Defendant McArthur

Fred Diamondstone
1218 Third Avenue, Suite 1000
Seattle, WA 98101
Email: fdiamondstone@seanet.com

Attorneys for Defendant Turnquist

Robert D. Butler
Emily C. Beschen
Law Offices of Robert D. Butler
103 E. Holly St. #512
Bellingham, WA 98225
Email: emily@rdbutlerlaw.com; admin@rdbutlerlaw.com


Laura Faulstich, Legal Assistant

Exhibit A

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BNSF RAILWAY COMPANY, a Delaware
corporation,

Plaintiff,

v.

STEVEN MCARTHUR, THEODORE
MAYER, JAY TURNQUIST, TONIA
RUPRECHT, DAVID BECKNER, and
LINDSAY DUNN,

Defendants.

No. 2:15-cv-00992

**PLAINTIFF BNSF RAILWAY FIRST
SET OF INTERROGATORIES TO
DEFENDANT TONIA RUPRECHT**

TO: Defendant Tonia Ruprecht

AND TO: Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright,
Attorneys For Tonia Ruprecht

Defendant BNSF Railway Company ("BNSF") hereby requests, pursuant to Federal Rules of Civil Procedure 26 and 33 that Defendant Tonia Ruprecht ("RUPRECHT" or "YOU") respond to these Interrogatories by serving a separate written response to each Request, verified under oath, within the time allowed by Federal Rule of Civil Procedure 33(b)(2).

DEFINITIONS

Whenever the context in which words used in these interrogatories indicates or suggests that such is the intent, words in the singular shall include the plural and vice versa, and words in masculine, feminine or neuter shall include each of the other genders.

In addition, whenever the terms set forth below appear herein, they shall be construed in accordance with the following definitions:

1. "YOU," "YOUR," and "RUPRECHT" means Defendant Tonia Ruprecht.

2. "BNSF" means plaintiff BNSF Railway Company, including but not limited to any of its known REPRESENTATIVES.

3. "REPRESENTATIVES" means agents, servants, employees, independent contractors, attorneys, accountants, managers, and anyone acting or purporting to act on one's behalf.

Instructions

4. The following Interrogatories should be considered to be continuing pursuant to Fed. R. Civ. P. 26(e), and further supplemental answers should be filed as further information is called to YOUR attention.

INTERROGATORIES

INTERROGATORY NO. 1: For work YOU performed on a BNSF work train between January 1, 2011, and December 31, 2014, state the method (or methods) by which YOU calculated the number of mile that YOU claimed to have traveled on YOUR tie-up tickets.

RESPONSE:

1 **INTERROGATORY NO. 2:** If YOU contend that YOU no longer have delay reports
 2 (or copies thereof) for work train jobs for which YOU claimed payment from BNSF in your
 3 possession, custody, or control, state all facts supporting YOUR contention, including but not
 4 limited to when YOU last had possession of such delay reports (and copies thereof), what was
 5 done with such delay reports (and copies thereof), and the identity of the person or persons who
 6 presently has possession of such delay reports (and copies thereof).


7 **RESPONSE:**

8
 9 **INTERROGATORY NO. 3:** If YOU contend that YOU no longer have signal
 10 awareness reports (or copies thereof) for work train jobs for which YOU claimed payment from
 11 BNSF in your possession, custody, or control, state all facts supporting YOUR contention,
 12 including but not limited to when YOU last had possession of such signal awareness reports (and
 13 copies thereof), what was done with such signal awareness reports (and copies thereof), and the
 14 identity of the person or persons who presently has possession of such signal awareness reports
 15 (and copies thereof).

16 **RESPONSE:**

17
 18
 19 DATED this 10th day of May, 2016.

20
 21 Montgomery Scarp, PLLC

22 

23 Bradley Scarp, WSBA #21453
 24 Michael Chait, WSBA #48842
 25 Attorney for Plaintiff
 26 BNSF Railway Company
 27 1218 Third Ave., Ste. 2500
 Seattle, WA 98101
 Tel. (206) 625-1801
 Fax (206) 625-1807

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that a true and complete copy of ***PLAINTIFF BNSF RAILWAY COMPANY'S FIRST SET OF INTERROGATORIES TO DEFENDANT TONIA RUPRECHT*** has been sent the following interested parties via U.S. mail:

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:

Ronald J. Meltzer
Sinsheimer & Meltzer, Inc., P.S.
701 5th Ave., Suite 4100
Seattle, WA 98104-7073

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:

Michael Schwartz
Law Offices of Michael Schwartz, P.S.
810 3rd Ave., Suite 500
Seattle, WA 98104-1619

Attorneys for Defendant Tonia Ruprecht:

Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright
MacDonald Hoague & Bayless
705 Second Ave, Ste. 1500
Seattle, WA 98104

Attorneys for Defendant Jay Turnquist:

Robert D. Butler & Emily C. Beschen
Law Offices of Robert D. Butler
103 E. Holly St., #512
Bellingham, WA 98225

Attorney for Defendant Steven McArthur

Fred Diamondstone
1218 Third Avenue, #1000
Seattle, WA 98101

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 10th day of May, 2016, at Seattle, Washington.



Tyler Campbell, Paralegal

Exhibit B

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BNSF RAILWAY COMPANY, a Delaware
corporation,

Plaintiff,

v.

STEVEN MCARTHUR, THEODORE
MAYER, JAY TURNQUIST, TONIA
RUPRECHT, DAVID BECKNER, and
LINDSAY DUNN,

Defendants.

No. 2:15-cv-00992

**PLAINTIFF BNSF RAILWAY FIRST
SET OF REQUESTS FOR
PRODUCTION TO DEFENDANT
TONIA RUPRECHT**

TO: Defendant Tonia Ruprecht

AND TO: Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright,
Attorneys For Tonia Ruprecht

In accordance with FRCP 26, 34 and 37 you will please respond to the following
Requests for Production under oath within thirty (30) days of the date of service of the discovery
requests upon your attorney. These discovery requests are continuing in nature and you are
requested to provide any information hereafter acquired that modifies or supplements any of the
answers now given in any way as soon as that information becomes available.

PRIVILEGE

If you and/or your attorney contend that any documents requested are privileged or
otherwise immune from discovery, you are required to provide, in writing to the undersigned

1 attorneys on or before the date on which the production of documents is required, the following
2 information with respect to each such document:

- 3 a. The date of the document;
- 4 b. The author of the document;
- 5 c. The names of the persons who have received the original or a copy of the document;
- 6 d. The subject matter of the document; and
- 7 e. A statement of the specific reason(s) why the document should not be produced.

8 DEFINITIONS

9 Whenever the context in which words used in these Interrogatories and Requests for
10 Production of Documents indicates or suggests that such is the intent, words in the singular shall
11 include the plural and vice versa, and words in masculine, feminine or neuter shall include each of
12 the other genders.

13 In addition, whenever the terms set forth below appear herein, they shall be construed in
14 accordance with the following definitions:

- 15 1. "YOU," "YOUR," and "RUPRECHT" means Defendant Tonia Ruprecht.
- 16 2. "BNSF" means plaintiff BNSF Railway Company, including but not limited to
17 any of its known REPRESENTATIVES.
- 18 3. "CO-DEFENDANTS" means co-defendants Steven McArthur, Theodore Mayer,
19 Jay Turnquist, David Beckner, and/or Lindsay Dunn.
- 20 4. "PERSON" means a natural person, firm, association, organization, partnership,
21 business, trust, limited liability company, corporation, or public entity.
- 22 5. The "INVESTIGATION" mean the investigation of YOU for dishonesty, of
23 which YOU were provided notice by BNSF on or about December 17, 2014.
- 24 6. The "LAWSUIT" mean this lawsuit, filed by BNSF against YOU and YOUR
25 CO-DEFENDANTS on or about June 19, 2015.

1 7. “REPRESENTATIVES” means agents, servants, employees, independent
2 contractors, attorneys, accountants, managers, and anyone acting or purporting to act on one’s
3 behalf.

4 8. “DOCUMENTS” means all “writings and recordings” as defined in Rule 1001 of
5 the Federal Rules of Evidence, and includes (but is not limited to) all original writings,
6 documents, and tape recordings of any nature whatsoever, as well as all non-identical copies, in
7 your possession, custody, or control, whether handwritten, typewritten or otherwise prepared. In
8 particular, the term “document” includes, but is not limited to: letters, faxes, telegrams,
9 memoranda, notes, reports, agreements, contracts, statements (e.g., bank statements, financial
10 records), advertisements, brochures, bulletins, circulars, pamphlets, flyers, lists, logs, system
11 logs, studies, magazine and newspaper articles and reports, invoices, bills, statements, receipts,
12 checks, check stubs, check registers, ledgers, accounting records, journals, minutes, notes,
13 worksheets, vouchers, notebooks, diagrams, illustrations, photographs, videotapes, audiotapes,
14 CDs, CD-ROMS, legal pleadings, court orders, notices, discovery requests and responses,
15 consent decrees, administrative orders, notebooks, desk calendars, appointment books, computer
16 files or diskettes, databases (including but not limited to information contained therein such as
17 customer contacts, notes, and sales data), information stored in electronic form on computer
18 servers, networks¹, hard drives or otherwise (including any home computer or other device on
19 which business files reside or resided), e-mail or voice mail files or printouts, and any and all
20 other papers, books, writings, or documents upon which any communication, idea, thought,
21 sound, or information of any kind within the categories enumerated below has been created,
22 reproduced, or recorded.

23 9. “COMMUNICATION(S)” means any contact, oral or written, formal or informal,
24 at any time or place and under any circumstances whatsoever, by which information of any
25 nature was transmitted or transferred including, without limitation, the giving or exchanging of
26 information by talk, gestures, DOCUMENT(S) or any other means, or any request for
27 information by any such means.

10. "REFERRING," "REGARDING," "RELATING" or "PERTAINING" mean pertaining to, evidencing, supporting, explaining, concerning, mentioning, discussing, identifying, evidencing, memorializing, describing, constituting, commenting upon, containing, reflecting, summarizing, referring to, relating to, regarding, or contradicting, in whole or in part, the subject matter of these Document Requests.

REQUESTS FOR PRODUCTION

REQUEST FOR PRODUCTION NO. 1: Produce all signal awareness reports, or copies thereof, whether or not YOUR own, in YOUR possession, custody, or control, reflecting work performed for BNSF between January 1, 2011, and present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 2: Produce all delay reports, or copies thereof, whether or not YOUR own, in YOUR possession, custody, or control, reflecting work performed for BNSF between January 1, 2011, and present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 3: Produce all DOCUMENT RELATING to any train movements for any work train job YOU performed from January 1, 2011, to present.

RESPONSE:

REQUEST FOR PRODUCTION NO. 4: Produce all DOCUMENTS RELATING to any train movements for any work train job for which any one of YOUR CO-DEFENDANTS claimed payment from BNSF from January 1, 2011, to present.

RESPONSE:

1 **REQUEST FOR PRODUCTION NO. 5:** Produce all DOCUMENTS RELATING to
2 any calculation of the miles YOUR train moved during any work train job for which YOU
3 claimed payment from BNSF from January 1, 2011, to present.

4 **RESPONSE:**
5

6 **REQUEST FOR PRODUCTION NO. 6:** Produce all DOCUMENTS RELATING to
7 any calculation of the miles YOUR CO-DEFENDANTS' trains moved during any work train job
8 for which YOUR CO-DEFENDANTS claimed payment from BNSF from January 1, 2011, to
9 present.

10 **RESPONSE:**
11

12 **REQUEST FOR PRODUCTION NO. 7:** Produce all DOCUMENTS RELATING to
13 car or van movements for any work train job for which YOU claimed payment from BNSF from
14 January 1, 2011, to present.

15 **RESPONSE:**
16

17 **REQUEST FOR PRODUCTION NO. 8:** Produce all DOCUMENTS RELATING to
18 any car or van movements for any work train job for which any one of YOUR CO-
19 DEFENDANTS claimed payment from BNSF from January 1, 2011, to present.

20 **RESPONSE:**
21

22 **REQUEST FOR PRODUCTION NO. 9:** Produce all DOCUMENTS RELATING to
23 any calculation of the miles YOUR car or van moved during any work train job for which YOU
24 claimed payment for car or van miles from BNSF from January 1, 2011, to present.

25 **RESPONSE:**
26
27

1 **REQUEST FOR PRODUCTION NO. 10:** Produce all DOCUMENTS RELATING to
2 any calculation of the miles YOUR CO-DEFENDANTS' car(s) or van(s) moved during any
3 work train job for which YOUR CO-DEFENDANTS claimed payment for car or van miles from
4 BNSF from January 1, 2011, to present.

5 **RESPONSE:**
6

7 **REQUEST FOR PRODUCTION NO. 11:** Produce all DOCUMENTS RELATING to
8 the mileage YOU reported to BNSF for each work train job for which YOU claimed payment
9 from BNSF from January 1, 2011, to present.

10 **RESPONSE:**
11

12 **REQUEST FOR PRODUCTION NO. 12:** Produce all DOCUMENTS RELATING to
13 the mileage YOUR CO-DEFENDANTS reported to BNSF for each work train job for which any
14 one of YOUR CO-DEFENDANTS claimed payment from BNSF from January 1, 2011, to
15 present.

16 **RESPONSE:**
17

18 **REQUEST FOR PRODUCTION NO. 13:** Produce all DOCUMENTS RELATING to
19 how work train mileage is to be calculated.

20 **RESPONSE:**
21

22 **REQUEST FOR PRODUCTION NO. 14:** Produce all DOCUMENTS RELATING to
23 the manner in which work train mileage is reported to BNSF.

24 **RESPONSE:**
25
26
27

1 **REQUEST FOR PRODUCTION NO. 15:** Produce all DOCUMENTS constituting or
2 REFERRING to COMMUNICATIONS between YOU, on the one part, and any of YOUR CO-
3 DEFENDANTS, on the other part, REGARDING BNSF work trains.

4 **RESPONSE:**
5
6

7 **REQUEST FOR PRODUCTION NO. 16:** Produce all DOCUMENTS constituting or
8 REFERRING to COMMUNICATIONS between YOU, on the one part, and any of YOUR CO-
9 DEFENDANTS, on the other part, REGARDING any work YOU or YOUR CO-
10 DEFENDANTS performed for BNSF.

11 **RESPONSE:**
12

13 **REQUEST FOR PRODUCTION NO. 17:** Produce all DOCUMENTS constituting or
14 REFERRING to COMMUNICATIONS between YOU, on the one part, and any of YOUR CO-
15 DEFENDANTS, on the other part, REGARDING the INVESTIGATION.

16 **RESPONSE:**
17

18 **REQUEST FOR PRODUCTION NO. 18:** Produce all DOCUMENTS constituting or
19 REFERRING to COMMUNICATIONS between YOU, on the one part, and any of YOUR CO-
20 DEFENDANTS, on the other part, REGARDING the LAWSUIT.

21 **RESPONSE:**
22

23 **REQUEST FOR PRODUCTION NO. 19:** Produce all DOCUMENTS RELATING to
24 the INVESTIGATION.

25 **RESPONSE:**
26
27

1 **REQUEST FOR PRODUCTION NO. 20:** Produce all non-privileged DOCUMENTS
2 REFERRING or RELATING to the LAWSUIT.

3 **RESPONSE:**

4
5 **REQUEST FOR PRODUCTION NO. 21:** Produce all DOCUMENTS constituting or
6 REFERRING to COMMUNICATIONS between YOU, on the one part, and any PERSON, on
7 the other part, REGARDING the INVESTIGATION.

8 **RESPONSE:**

9
10 **REQUEST FOR PRODUCTION NO. 22:** Produce all DOCUMENTS constituting or
11 REFERRING to COMMUNICATIONS between YOU, on the one part, and any PERSON, on
12 the other part, REGARDING this LAWSUIT.

13 **RESPONSE:**

14
15
16 **REQUEST FOR PRODUCTION NO. 23:** All DOCUMENTS RELATING to YOUR
17 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part
18 because Ruprecht had legitimate reasons for her conduct.”

19 **RESPONSE:**

20
21 **REQUEST FOR PRODUCTION NO. 24:** All DOCUMENTS RELATING to YOUR
22 allegation in YOUR affirmative defenses that “Plaintiff BNSF’s claims are barred by the
23 doctrine of estoppel.”

24 **RESPONSE:**

1 **REQUEST FOR PRODUCTION NO. 25:** All DOCUMENTS RELATING to YOUR
2 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part by the
3 doctrine of waiver.”

4 **RESPONSE:**

5
6 **REQUEST FOR PRODUCTION NO. 26:** All DOCUMENTS RELATING to YOUR
7 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part by
8 the doctrine of contributory negligence.”

9 **RESPONSE:**

10
11 **REQUEST FOR PRODUCTION NO. 27:** All DOCUMENTS RELATING to YOUR
12 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part by
13 the doctrine of unclean hands.”

14 **RESPONSE:**

15
16 **REQUEST FOR PRODUCTION NO. 28:** All DOCUMENTS RELATING to YOUR
17 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part
18 because Ruprecht’s discharge and BNSF’s claims in this lawsuit are motivated by retaliatory,
19 anti-union animus.”

20 **RESPONSE:**

21
22 **REQUEST FOR PRODUCTION NO. 29:** All DOCUMENTS RELATING to YOUR
23 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part
24 because Ruprecht’s discharge and BNSF’s claims in this lawsuit are motivated by . . . an effort to
25 undermine the functioning of the rules set forth by the collective bargaining agreement and the
26 RLA.”

27 **RESPONSE:**

1
2 **REQUEST FOR PRODUCTION NO. 30:** All DOCUMENTS RELATING to YOUR
3 allegation in YOUR affirmative defenses that “BNSF’s claims are barred in whole or in part
4 because it has failed to retain and maintain, destroyed, lost, or otherwise spoliated documentation
5 that is relevant and/or which BNSF is required to retain and maintain by the Federal Railroad
6 Administration, including but not limited to NWE division timetable and delay report
7 documentation.”

8 **RESPONSE:**
9

10 **REQUEST FOR PRODUCTION NO. 31:** All DOCUMENTS RELATING to YOUR
11 allegation in YOUR counterclaim that ““BNSF, through its agent(s) and representative(s)
12 intercepted and/or recorded at least one conversation with Ruprecht without her consent.”

13 **RESPONSE:**
14

15 DATED this 10th day of May, 2016.
16

17 Montgomery Scarp, PLLC

18 
19

20 Bradley Scarp, WSBA #21453
21 Michael Chait, WSBA #48842
22 Attorney for Plaintiff
23 BNSF Railway Company
24 1218 Third Ave., Ste. 2500
25 Seattle, WA 98101
26 Tel. (206) 625-1801
27 Fax (206) 625-1807

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that a true and complete copy of *PLAINTIFF BNSF RAILWAY FIRST SET OF REQUESTS FOR PRODUCTION TO DEFENDANT TONIA RUPRECHT* has been sent to the following interested parties via U.S. mail:

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:
Ronald J. Meltzer
Sinsheimer & Meltzer, Inc., P.S.
701 5th Ave., Suite 4100
Seattle, WA 98104-7073

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:
Michael Schwartz
Law Offices of Michael Schwartz, P.S.
810 3rd Ave., Suite 500
Seattle, WA 98104-1619

Attorneys for Defendant Tonia Ruprecht:
Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright
MacDonald Hoague & Bayless
705 Second Ave, Ste. 1500
Seattle, WA 98104

Attorneys for Defendant Jay Turnquist:
Robert D. Butler & Emily C. Beschen
Law Offices of Robert D. Butler
103 E. Holly St., #512
Bellingham, WA 98225

Attorney for Defendant Steven McArthur
Fred Diamondstone
1218 Third Avenue, #1000
Seattle, WA 98101

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 10th day of May, 2016, at Seattle, Washington.

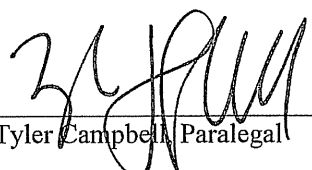

Tyler Campbell, Paralegal

Exhibit C

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT,
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BNSF RAILWAY COMPANY, a Delaware
corporation,

Plaintiff,

v.

STEVEN MCARTHUR, THEODORE
MAYER, JAY TURNQUIST, TONIA
RUPRECHT, DAVID BECKNER, and
LINDSAY DUNN,

Defendants.

No. 2:15-cv-00992

**PLAINTIFF BNSF RAILWAY
COMPANY'S FIRST SET OF
REQUESTS FOR ADMISSIONS TO
DEFENDANT TONIA RUPRECHT**

TO: Defendant Tonia Ruprecht

AND TO: Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright, Attorneys For
Tonia Ruprecht

Plaintiff BNSF Railway Company ("BNSF") hereby requests, pursuant to Federal Rule of Civil Procedure 36, that Defendant Tonia Ruprecht ("Ruprecht") admit or deny the truth of the matters set out below within thirty (30) days after the service of these requests. If no answer is received within that time, pursuant to Federal Rule of Civil Procedure 36(a)(3), the matters will be deemed admitted for purposes of this action.

DEFINITIONS

Whenever the context in which words used in these Requests for Admission or suggests that such is the intent, words in the singular shall include the plural and vice versa, and words in masculine, feminine or neuter shall include each of the other genders.

In addition, whenever the terms set forth below appear herein, they shall be construed in accordance with the following definition:

1. "YOU," "YOUR," and "RUPRECHT" means Defendant Tonia Ruprecht.
2. "BNSF" means plaintiff BNSF Railway Company.
3. "CO-DEFENDANTS" means co-defendants Steven McArthur, Theodore Mayer, Jay Turnquist, David Beckner, and/or Lindsay Dunn.
4. "REPRESENTATIVES" means agents, servants, employees, independent contractors, attorneys, accountants, managers, and anyone acting or purporting to act on one's behalf.

REQUESTS FOR ADMISSIONS

REQUEST FOR ADMISSION NO. 1: Admit that YOU did not turn in any signal awareness reports to BNSF for work train jobs which YOU worked between January 1, 2012, and December 31, 2014.

ANSWER:

REQUEST FOR ADMISSION NO. 2: Admit that YOU did not turn in at least one signal awareness report to BNSF for a work train job YOU worked between January 1, 2012, and December 31, 2014.

ANSWER:

1 **REQUEST FOR ADMISSION NO. 3:** Admit that YOU did not turn in any delay
2 reports to BNSF for work train jobs which YOU worked between January 1, 2012, and
3 December 31, 2014.

4 **ANSWER:**

5
6 **REQUEST FOR ADMISSION NO. 4:** Admit YOU did not turn in at least one delay
7 report to BNSF for a work train job YOU worked between January 1, 2012, and December 31,
8 2014.

9 **ANSWER:**

10
11 **REQUEST FOR ADMISSION NO. 5:** Admit that YOU or someone acting with YOUR
12 knowledge removed all of YOUR signal awareness reports for work train jobs which YOU
13 worked between January 1, 2012, and December 31, 2014, from BNSF's offices after YOU
14 turned those reports in to BNSF.

15 **ANSWER:**

16
17 **REQUEST FOR ADMISSION NO. 6:** Admit that YOU or someone acting with YOUR
18 knowledge removed at least one of YOUR signal awareness reports for a work train job which
19 YOU worked between January 1, 2012, and December 31, 2014, from BNSF's offices after
20 YOU turned that report in to BNSF.

21 **ANSWER:**

22
23 **REQUEST FOR ADMISSION NO. 7:** Admit that YOU or someone acting with YOUR
24 knowledge removed all of YOUR delay reports for work train jobs which YOU worked between
25 January 1, 2012, and December 31, 2014, from BNSF's offices after YOU turned those reports
26 in to BNSF.

27 **ANSWER:**

1
2 **REQUEST FOR ADMISSION NO. 8:** Admit that YOU or someone acting with YOUR
3 knowledge removed at least one of YOUR delay reports for a work train job which YOU worked
4 between January 1, 2012, and December 31, 2014, from BNSF's offices after YOU turned that
5 report in to BNSF.

6 **ANSWER:**
7

8 **REQUEST FOR ADMISSION NO. 9:** Admit that YOU or someone acting with YOUR
9 knowledge destroyed all of YOUR signal awareness reports for work train jobs which YOU
10 worked between January 1, 2012, and December 31, 2014.

11 **ANSWER:**
12

13 **REQUEST FOR ADMISSION NO. 10:** Admit that YOU or someone acting with
14 YOUR knowledge destroyed at least one of YOUR signal awareness reports for a work train job
15 which YOU worked between January 1, 2012, and December 31, 2014.

16 **ANSWER:**
17

18 **REQUEST FOR ADMISSION NO. 11:** Admit that YOU or someone acting with
19 YOUR knowledge destroyed all of YOUR delay reports for work train jobs which YOU worked
20 between January 1, 2012, and December 31, 2014.

21 **ANSWER:**
22

23 **REQUEST FOR ADMISSION NO. 12:** Admit that YOU or someone acting with
24 YOUR knowledge destroyed at least one of YOUR delay reports for a work train job which
25 YOU worked between January 1, 2012, and December 31, 2014.

26 **ANSWER:**
27

1 **REQUEST FOR ADMISSION NO. 13:** Admit that one of YOUR CO-DEFENDANTS
2 or someone acting at the direction of one of YOUR CO-DEFENDANTS removed all of YOUR
3 signal awareness reports for work train jobs which YOU worked between January 1, 2012, and
4 December 31, 2014, from BNSF's offices after YOU turned those reports in to BNSF.

5
6 **REQUEST FOR ADMISSION NO. 14:** Admit that one of YOUR CO-DEFENDANTS
7 or someone acting at the direction of one of YOUR CO-DEFENDANTS removed at least one of
8 YOUR signal awareness reports for a work train job which YOU worked between January 1,
9 2012, and December 31, 2014, from BNSF's offices after YOU turned that report in to BNSF.

10 **ANSWER:**

11
12 **REQUEST FOR ADMISSION NO. 15:** Admit that one of YOUR CO-DEFENDANTS
13 or someone acting at the direction of one of YOUR CO-DEFENDANTS removed all of YOUR
14 delay reports for work train jobs which YOU worked between January 1, 2012, and December
15 31, 2014, from BNSF's offices after YOU turned those reports in to BNSF.

16 **ANSWER:**

17
18 **REQUEST FOR ADMISSION NO. 16:** Admit that one of YOUR CO-DEFENDANTS
19 or someone acting at the direction of one of YOUR CO-DEFENDANTS removed at least one of
20 YOUR delay reports for a work train job which YOU worked between January 1, 2012, and
21 December 31, 2014, from BNSF's offices after YOU turned that report in to BNSF.

22 **ANSWER:**

1 **REQUEST FOR ADMISSION NO. 17:** Admit that one of YOUR CO-DEFENDANTS
2 or someone acting at the direction of one of YOUR CO-DEFENDANTS destroyed all of YOUR
3 signal awareness reports for work train jobs which YOU worked between January 1, 2012, and
4 December 31, 2014.

5 **ANSWER:**

6
7 **REQUEST FOR ADMISSION NO. 18:** Admit that one of YOUR CO-DEFENDANTS
8 or someone acting at the direction of one of YOUR CO-DEFENDANTS destroyed at least one
9 of YOUR signal awareness reports for a work train job which YOU worked between January 1,
10 2012, and December 31, 2014.

11 **ANSWER:**

12
13 **REQUEST FOR ADMISSION NO. 19:** Admit that one of YOUR CO-DEFENDANTS
14 or someone acting at the direction of one of YOUR CO-DEFENDANTS destroyed all of YOUR
15 delay reports for work train jobs which YOU worked between January 1, 2012, and December
16 31, 2014.

17 **ANSWER:**

18
19 **REQUEST FOR ADMISSION NO. 20:** Admit that one of YOUR CO-DEFENDANTS
20 or someone acting at the direction of one of YOUR CO-DEFENDANTS destroyed at least one
21 of YOUR delay reports for a work train job which YOU worked between January 1, 2012, and
22 December 31, 2014

23 **ANSWER:**

1 DATED this 10th day of May, 2016.

3 Montgomery Scarp, PLLC

4 

5 Bradley Scarp, WSBA #21453

6 Michael Chait, WSBA #48842

7 Attorneys for Plaintiff

8 BNSF Railway Company

1218 Third Ave., Ste. 2500

Seattle, WA 98101

9 Tel. (206) 625-1801

10 Fax (206) 625-1807

CERTIFICATE OF SERVICE

I am over the age of 18; and not a party to this action. I am the assistant to an attorney with Montgomery Scarp, PLLC, whose address is 1218 Third Avenue, Suite 2500, Seattle, Washington, 98101.

I hereby certify that a true and complete copy of *PLAINTIFF BNSF RAILWAY FIRST SET OF REQUESTS FOR ADMISSION TO DEFENDANT TONIA RUPRECHT* has been sent to the following interested parties via U.S. Mail:

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:
 Ronald J. Meltzer
 Sinsheimer & Meltzer, Inc., P.S.
 701 5th Ave., Suite 4100
 Seattle, WA 98104-7073

Attorney for Defendants Theodore Mayer, David Beckner, and Lindsay Dunn:
 Michael Schwartz
 Law Offices of Michael Schwartz, P.S.
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 Seattle, WA 98104-1619

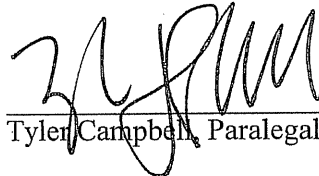
Attorneys for Defendant Tonia Ruprecht
 Leslie J. Hagin, Joe R. Shaeffer, & Tiffany M. Cartwright
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 705 Second Ave, Ste. 1500
 Seattle, WA 98104

Attorneys for Defendant Jay Turnquist:
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 Bellingham, WA 98225

Attorney for Defendant Steven McArthur
 Fred Diamondstone
 1218 Third Avenue, #1000
 Seattle, WA 98101

I declare under penalty under the laws of the State of Washington that the foregoing information is true and correct.

DATED this 10th day of May, 2016, at Seattle, Washington.


 Tyler Campbell, Paralegal